IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc.Application No. 188 of 2005

Dalbag Singh @ Kukku
S/o Shri Madan Singh
R/oH.N. 445
Subhash Nagar .Gali No.4
Police Station Model Town,
Hoshiyarpur (Punjab)

applicant

Versus

1 State of Uttaranchal
2 Shri Narayan Singh
S/o Shri Gej Singh/R/oKanwli Road
Lakshman Chauok,
Uttaranchal. Opposite parties.

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the applicant Dalbag Singh who is facing trial in Complaint case No. 1926 of 2004 Narayan Singh vs Hardeep Kaur and others under Section323,504,506,452, 34 IPC pending before the court of Judicial Magistrate / 1st Additional Civil Judge (Jr.Div.) Dehradun.

Counter and rejoinder affidavit have been exchanged.

Learned counsel appearing on behalf of both the parties submitted before this court that they have already entered into compromise and have filed compromise deed in the divorce petition.

It was agreed between the parties that the case pending in different courts shall be withdrawn by the respective parties. It was also agreed between the parties that the present case pending before the court below shall also be withdrawn.

Respondent No.2 Narayan Singh has filed an attested photo copy of the compromise deed filed by the parties on 30.8.2005 before the Matrimonial Court, alongwith the counter affidavit filed before this court and has submitted that this case be also decided in terms of the compromise deed.

Having considered the arguments advanced by the learned counsel for both the parties I do not find any justification for quashing the proceedings pending before the court below. However, I think it would be just and proper to issue the directions to the trial court that when the parties file a fresh compromise deed , the court below shall take into account that compromise deed after proper verification and shall decide the case pending before it in accordance with law.

With the aforesaid observations , the petition under Section 482 Cr.P.C. stands disposed of.

(B.C. Kandpal, J.)

30.11.2005

nbj